

**TOWN COUNCIL  
REGULAR MEETING  
FEBRUARY 17, 1999**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Interim Town Administrator Rawls (arrived at 7:06 p.m.), Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

**3. PRESENTATIONS**

**3.1 Random Acts of Kindness - Councilmember Paul**

Later in the meeting, Councilmember Paul presented a Certificate of Appreciation to Robert Longstreet for his random act of kindness.

**3.2 Kenneth Palmer - Mayor Venis**

Mayor Venis presented Mr. Palmer with a Certificate of Bravery in recognition of his efforts in saving lives in the recent tanker truck accident.

**3.3 Cow Pasture Cowboy Golf Presentation - Vice-Mayor Cox**

Vice-Mayor Cox presented Certificates of Appreciation to the following individuals for their help with the golf tournament: Ann Romano, Jennifer Deveaugh, Tom Truex, Janet Nelson, Dottie Sutton, Lauren McCullen, and Brenna Tate. The following individuals were unable to be present: Peter Albertson, Joe Barba, Joan Kovac, Braulio Rosa, Ruth Knutson, Janet Truex, and the Public Works Department.

Vice-Mayor Cox presented Nancy Deveaugh from Little Critters Corral with a plaque for providing the props and the animals.

**3.4 William Becker, Lift Station Operator - Five Years**

Mayor Venis presented Mr. Becker with a service award.

**3.5 Brigitte Pravato, Police Service Aide (Special Assignment) - Five Years**

Ms. Pravato was unable to be present.

**3.6 Louis Campi, Park Ranger - Ten Years**

Mayor Venis presented Mr. Campi with a service award.

**3.7 George Foresha, Plant Operator II - Ten Years**

Mayor Venis presented Mr. Foresha with a service award.

**3.8 Ann Romano, Recreation Leader - Ten Years**

Mayor Venis presented Ms. Romano with a service award.

**3.9 Joy Albertson, Maintenance Technician I - Fifteen Years**

Mayor Venis presented Ms. Albertson with a service award.

**3.10 Kenneth Harris, Driver Engineer - Fifteen Years**

Mayor Venis presented Driver Engineer Harris with a service award.

**3.11 Edward Bussiere, Police Officer - Twenty Years**

Mayor Venis presented Officer Bussiere with a service award.

**3.12 United Way - Fire Chief Michael Donati**

Chief Donati presented Certificates of Appreciation to Housing and Community Development Coordinator Shirley Taylor-Prakelt and Utilities Director Dan Colabella for their help with the United Way fundraiser. He indicated that the other employees who helped were Elena Blackiston, Raquel Gray, Ann Romano, Pat Shupp, Tim Thompson and Dee Vincente. Chief Donati advised that the following businesses contributed prizes to the fundraiser: Windjammer Barefoot Cruises, Boot Barn, Busy Bee Florist, Shoneys, Florida Marlins, Young At Art, Tower Deli, Flamingo Gardens, Jungle Queen, Stirling Country Kitchen, Lums Restaurant, Long Horn Steak Restaurant, Chinatown Restaurant, Road House Grill, Grif's Western Wear, Pizza Loft, Batten's Farms, Shortey's and 84 Diner.

Chief Donati advised that \$611 had been raised and added that with employee payroll contributions, the Town's total donation to United Way was approximately \$1,100.

### 3.13 Community Redevelopment Agency

Neal Kalis, Chair, asked for Mr. Rawls' help in obtaining the streetscape permit from Broward County. He updated Council on the Agency's efforts.

### 3.14 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Concert in the Park (February 21st); Waterway Cleanup (March 20th; applications currently being accepted); Westfair kick-off events (beginning February 26th); and WestFair (March 3rd - 7th)

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: St. Patrick's Day Pot Luck Luncheon (March 15th); Davie Country Picnic (March 19th); adult field trip on the Island Princes Intercoastal Cruise (April 19th); and free programs for children during spring break (March 29th - April 2nd).

3.15 Monroe Kiar advised that on March 18th at 6:00 p.m., the Kiwanis Club of Davie would be honoring Mayor Venis for his efforts and volunteer work in the community.

## 4. OCCUPATIONAL LICENSES

### *Carnival - Waiver of Occupational License Fee*

4.1 Parkway Christian Church, 1200 South Flamingo Road (February 25 - 28, 1999)

Dick Haskins, representing the applicant, was present.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to waive [the occupational license fee]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

4.2 Saint David Catholic Church, 3900 South University Drive (March 11 - 14, 1999)

Father O'Reilly, representing the applicant, was present.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to waive [the occupational license fee]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis advised that item 9.5 needed to be tabled to March 3, 1999.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis advised that item 9.10 needed to be tabled to April 7, 1999.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis advised that item 9.11 was withdrawn at the November 4, 1998 Council meeting.

Mr. Rawls advised that item 9.4 needed to be tabled to March 3, 1999.

Councilmember Bush made a motion, seconded by Councilmember Paul, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mr. Webber advised that item 8.5 needed to be withdrawn as the assessment had been paid in full.

Mr. Webber indicated that at the request of the owner, item 8.8 needed to be tabled to March 17, 1999. Councilmember Weiner made a motion, seconded by Councilmember Paul, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0) (This item was later tabled to March 16th due to the rescheduling of the March 17th Council meeting.)

## **5. MAYOR/COUNCILMEMBER COMMENTS**

### **COUNCILMEMBER BUSH**

**FORMAN FAMILY.** Councilmember Bush stated that Council attended the ceremony at the Old Davie School which honored the Forman Family for their contributions to the Town.

### **VICE-MAYOR COX**

**OLD DAVIE SCHOOL.** Vice-Mayor Cox stated that the Old Davie School was a great place and she hoped that individuals would rent the facility to hold events. She encouraged everyone to attend the alligator race on February 27th as it would benefit the Old Davie School.

**FUNDRAISER.** Vice-Mayor Cox stated that the Fourth Annual Red Bandana Ride-A-Thon would be a two day event with a camp out at Tree Tops Park.

**BIKE PATH.** Vice-Mayor Cox stated that the Town's bike path was almost finished and by the end of March, it was hoped that people could ride their bikes from Tree Tops Park to Shenandoah. She advised that the Open Space Advisory Committee would be meeting on February 22nd to discuss bike paths and a bike-a-thon in April or May.

**BOYS AND GIRLS CLUB.** Vice-Mayor Cox stated that the lease with the Broward County School Board for the Boys and Girls Club site at Flamingo Elementary School was on tonight's agenda. She added that the Red Bandana Ride-A-Thon would benefit the Boys and Girls Club.

### **COUNCILMEMBER WEINER**

**FORMAN FAMILY.** Councilmember Weiner stated that Council appreciated the opportunity to attend the ceremony and recommended that everyone take a tour of the Old Davie School.

**ANNEXATION MEETING.** Councilmember Weiner stated that he, Programs Manager Will Allen and Budget and Finance Director Christopher Wallace attended an annexation meeting at Pine Island Ridge and were warmly received.

**WATER STATUS.** Councilmember Weiner asked Mr. Rawls to provide him with an update on the water study.

**FIRE INSPECTIONS.** Councilmember Weiner stated that there was a significant fire in the warehouses and was thankful that the Town was providing annual inspections. He indicated that the Town should revisit the strategy in inspecting businesses in the west before businesses in the east.

### **COUNCILMEMBER PAUL**

**SIDEWALKS.** Councilmember Paul stated that the Town began a sidewalk project on the west side of 139th Avenue and she had received several phone calls that the sidewalks would drastically alter the rural character of Oak Hill. She advised that these sidewalks were part of the proposed master trail plan from 1991 and wondered whether these sidewalks were a question a rural character versus a safety issue. Councilmember Paul indicated that the plan called for a sidewalk and a dedicated horse trail from 14th Street to 26th Street on 139 Avenue and on 20th Street from Shotgun Road to 136th Avenue. She indicated that input from the residents was important if Council felt the plans needed to be reviewed.

**AGENDA POLICY.** Councilmember Paul stated that staff had reviewed the policies of other municipalities for placing items on the agenda and requested that this issue be placed on the next agenda for discussion.

**FIRE/RESCUE SERVICES.** Councilmember Paul thanked Gerry Thomas from Deems Ranches for her letter of support in assuming fire and rescue west of Dykes Road.

**WORKSHOPS.** Councilmember Paul stated that Project CARGO (Communities Addressing Responsible Gun Ownership) was discussed at the Davie/Cooper City Chamber of Commerce breakfast. She indicated that the School Board was working with different trauma centers and would be holding a series of workshops to discuss hand gun safety with a workshop being held at Western High School on March 10th.

**MIAMI CIRCLE.** Councilmember Paul commented that individuals who thought the Miami Circle was important should become involved.

**SAFETY SUMMIT.** Joy Yoder advised that a Safety Summit would be held during the Westfair events on March 5th from 5:00 p.m. to 9:00 p.m. She discussed Project Stabile which benefited special people with special needs. Ms. Yoder thanked the Town's Community Oriented Policing unit for their help in distributing the helmet brochures.

**RESOLUTION.** Councilmember Weiner distributed a draft of a resolution for Mr. Webber's review for discussion at the next meeting. He explained that the resolution urged the Broward County Commission to amend Section 11-23 of the County Code of Ordinances to allow municipalities to change their general election date to be contemporaneous with County, State and of federal elections. Councilmember Weiner indicated that this was an effort to increase voter turnout.

## **MAYOR VENIS**

**WATER SURCHARGE.** Mayor Venis stated that the Town had mailed out petitions on the water surcharge and indicated that approximately 5,000 petitions had been received in one week. He indicated that the Town's residents were tired of paying too much for their water along with poor water quality and color. Mayor Venis advised that Town representatives would be appearing before the State legislature to discuss this issue and thanked the residents for their quick response.

**MEETING.** Mayor Venis stated that he attended the Reflections homeowner's meeting and indicated that the residents wanted the following: 1) eight foot wall on top of a four foot berm along the north property line; 2) parking light fixtures less than 20 feet in height; 3) restricted hours of operation for deliveries; 4) no gas stations; 5) increased landscaping along the northern property line; 6) installation of areca palms along the north wall at the north property line; 7) supervision along the north property line during clearing and grading activities; 8) increased police patrol once center is completed; 9) elimination of the northeast access opening along Pine Island Road; 10) ground signage of limited height; and 11) the architectural design and colors fitting in with the community. He indicated that he would like to be included in the meetings with the developer.

**WESTFAIR/BUSINESS OWNERS.** Mayor Venis stated that he had received a letter from Wayne Arnold regarding the Westfair activities as local business owners had a problem last year with access to their businesses during the activities. He stated that if a business owner had to go to their establishment, he wanted the Police Department to allow this "in a timely fashion."

**REESE ROAD.** Mayor Venis stated that he had received letters from the Everglades Mobile Home Community and asked that an update on Reese Road be presented at each meeting.

**CONGRATULATIONS.** Mayor Venis congratulated his son, Harry, for his upcoming graduation from the DARE Program. He also congratulated his daughter, Kathleen, for obtaining her restricted driver's license.

**POLICE ATHLETIC LEAGUE.** Mayor Venis stated that he attended a Police Athletic League Board of Director's meeting and a golf tournament fundraiser would be held in April.

**WRESTLING.** Mayor Venis stated that he had made his debut as a manager at the World Wrestling Federation.

## **6. TOWN ADMINISTRATOR'S COMMENTS**

**DEDICATION.** Mr. Rawls commended Planning and Zoning Manager Gayle Easterling for her dedication to the Town during the past few months in maintaining the planning operations in the Development Services Department running. He presented Ms. Easterling with a Certificate of Appreciation for her efforts.

**DEVELOPMENT SERVICES DIRECTOR.** Mr. Rawls welcomed Mark Kutney, the Town's new Development Services Director.

**CRIME STATISTICS.** Mr. Rawls stated that the Town's crime statistics had decreased and congratulated the Town's Police Department. Interim Chief of Police Robert McDaniel advised that each year the Federal Bureau of Investigations compiled statistics which reflected several areas of official crime index. He announced that the Town's annual crime rate for 1998 had decreased compared to 1997. Chief McDaniel indicated that: 1) crime offenses were 4,033 compared to 4,695 which was a decrease of 14%. He stated that violent crimes were 325 compared to 395 which was an 18% decrease and the total non-violent crimes were 3,708 compared to 4,303 which was a 14% decrease. Chief McDaniel stated that he was proud of the pro-active work that of Town's police officers and with the partnerships with the community which had proven to be an effective crime fighting tool. He added that the Department was working hard to lower the numbers for next year.

**TRAILS.** Mr. Rawls stated that the Town has had a long standing commitment to provide trail networks for all the different users in the Town. He indicated that the Town was well on its way to achieve its goal and added that the trail on 139th Avenue was under construction. Mr. Rawls advised that as the Town grew to a more suburbanized community, it was incumbent on the Town to provide the Town's children with safe areas. He stated that the 139th Avenue route had been delayed to ensure that the Town received all opinions from the community. Mr. Rawls advised that equestrian trails would be also provided and asked that the community contact his office to share their thoughts and questions before construction.

**NOTICE TO AMERICAN MEDICAL RESPONSE (AMR).** Councilmember Weiner questioned the status of providing notice to AMR as the Town was soon to take over the EMS provision. Mr. Rawls stated that AMR had previously been acceptable to a 30 day notice and he was preparing to bring this notice before Council at the next meeting. He advised that the new ambulances were being outfitted and the training was still on line. Mr. Rawls added that the transition was still on schedule for the first week of April along with the new facility.

## **7. TOWN ATTORNEY'S COMMENTS**

**LITIGATION.** Mr. Webber stated that an order from the Court had not yet been received regarding Teen Challenge. He provided an update on litigation in which the Town was involved: Bar B Ranch; Orendello; 142nd Avenue; City of Sunrise; Mr. McDaniel; and the special assessment.

## **8. CONSENT AGENDA**

### *Minutes*

8.1 January 6, 1999 - Regular Meeting (tabled from February 3, 1999)

### *5 K Run*

8.2 David Posnack JCC (April 18, 1999)

### *Proclamation*

8.3 Forman Family Day (February 12, 1999)

### ***Roadway Assessment Equalization Resolutions - 47th Avenue Roadway Assessment (Improvements Confirmed as Completed on March 6, 1991)***

**8.4 ASSESSMENT PAYMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-99-51 FLORIDA, AUTHORIZING MONTHLY PAYMENT REQUESTS OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIENS UPON PARCELS 132, 138, 139; AND PROVIDING AN EFFECTIVE DATE. (BAF Corporation)**

**8.5 ASSESSMENT PAYMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING MONTHLY PAYMENT REQUESTS OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL 14; AND PROVIDING AN EFFECTIVE DATE. (S.W. Red Smith, Inc.)**

**8.6 ASSESSMENT PAYMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-99-52 FLORIDA, AUTHORIZING MONTHLY PAYMENT REQUESTS OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL 17; AND PROVIDING AN EFFECTIVE DATE. (Dale R. Noland)**

**8.7 ASSESSMENT PAYMENT** - A RESOLUTION OF THE TOWN OF DAVIE, R-99-53 FLORIDA, AUTHORIZING MONTHLY PAYMENT REQUESTS OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL 17A; AND PROVIDING AN EFFECTIVE DATE. (Integrated Resource Recovery, Inc. a/k/a Perma Fix Environmental Services)

**8.8 DENYING WAIVER OF INTEREST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DENYING WAIVER OF ACCRUED INTEREST OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL 3; AND PROVIDING AN EFFECTIVE DATE. (Charles Lee Manchac)

**8.9 DENYING WAIVER OF INTEREST** - A RESOLUTION OF THE TOWN OF R-99-54 DAVIE, FLORIDA, DENYING REQUEST FOR WAIVER OF ACCRUED INTEREST OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL 14; AND PROVIDING AN EFFECTIVE DATE. (Gregory and Ann Marie Garcia)

**8.10 DENYING WAIVER OF INTEREST** - A RESOLUTION OF THE TOWN OF R-99-55 DAVIE, FLORIDA, DENYING WAIVER OF ACCRUED INTEREST OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL 14; AND PROVIDING AN EFFECTIVE DATE. (Vidcom Corp.)

**8.11 DENYING WAIVER OF INTEREST** - A RESOLUTION OF THE TOWN OF R-99-56 DAVIE, FLORIDA, DENYING REQUEST FOR WAIVER OF ACCRUED INTEREST OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL 18; AND PROVIDING AN EFFECTIVE DATE. (Stuart Greenberg)

**8.12 DENYING WAIVER OF INTEREST** - A RESOLUTION OF THE TOWN OF R-99-57 DAVIE, FLORIDA, DENYING REQUEST FOR WAIVER OF ACCRUED INTEREST OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL 29A; AND PROVIDING AN EFFECTIVE DATE. (Stamile Brothers Truck Parts, Inc.)

**8.13 RELEASING ASSESSMENT** - A RESOLUTION OF THE TOWN OF DAVIE, R-99-58 FLORIDA, FINDING PARCEL 36 OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT DISTRICT TO BE ENTIRELY CONTAINED WITHIN A FP&L TRANSMISSION EASEMENT, THEREFORE VOIDING THE ASSESSMENT LIEN UPON PARCEL 36; AND PROVIDING AN EFFECTIVE DATE. (Maria Danielle, Trustee)

**8.14 AGREEMENT/STIPULATION** - A RESOLUTION OF THE TOWN OF DAVIE, R-99-59 FLORIDA, APPROVING THE SETTLEMENT AGREEMENT AND JOINT STIPULATION BETWEEN THE TOWN OF DAVIE AND ARNOLD WILLIAMS; AND AUTHORIZING THE MAYOR TO EXECUTE THE SETTLEMENT AGREEMENT AND JOINT STIPULATION; AND PROVIDING AN EFFECTIVE DATE.

**8.15 GRANTING WAIVER OF INTEREST** - A RESOLUTION OF THE TOWN OF R-99-60 DAVIE, FLORIDA, GRANTING REQUEST FOR WAIVER OF ACCRUED INTEREST OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL 108; AND PROVIDING AN EFFECTIVE DATE. (Jack Attaway)

## **Resolutions**

**8.16 POLICY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A POLICY FOR ENFORCEMENT OF SITE PLAN RELATED AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE. (tabled from February 3, 1999)

**8.17 AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-61 AUTHORIZING THE EXECUTION AND IMPLEMENTATION OF AN AGREEMENT TO

DEDICATE LANDS BETWEEN THE TOWN OF DAVIE AND THE WESTBROOKE COMMUNITIES, INC.; PROVIDING FOR CONVEYANCE OF WETLAND MITIGATION LANDS TO THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE. (tabled from February 3, 1999)

**8.18 LOAN/REPAYMENT PLAN** - A RESOLUTION OF THE TOWN OF DAVIE, R-99-62 FLORIDA, APPROVING A LOAN AND REPAYMENT PLAN BETWEEN THE TOWN OF DAVIE AND THE DAVIE COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING TOWARDS THE OAKES AND BURRIS ROADS PROJECT AND APPROVING THE TRANSFER OF SUCH FUNDS BETWEEN ACCOUNTS. (not to exceed \$110,777)

**8.19 LOT CONVEYANCES** - A RESOLUTION OF THE TOWN OF DAVIE, R-99-63 FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S CONVEYANCE OF FOUR LOTS TO HABITAT FOR HUMANITY OF BROWARD, INC. FOR CONSTRUCTION OF FOUR NEW HOUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

**8.20 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-99-64 THE BID FOR SW 136TH AVENUE MEDIAN LANDSCAPING. (Southeast Cattle Co., Inc. - \$73,534.90)

**8.21 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-99-65 THE BID FOR BUSHOG MOWING SERVICE. (EDJ Lawn Service Inc.)

**8.22 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-99-66 THE BID FOR ALUMINUM BLEACHER PLANKS PER CITY OF JACKSONVILLE BID NO. SC-0400-98. (Bergeron Rodeo Grounds; \$12,982.40)

**8.23 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING THE R-99-67 BIDDING AND EXTENDING THE BID FOR A PRE-ENGINEERED MODULAR RESTROOM BID AWARDED BY TOWN OF DAVIE RESOLUTION R-98-20. (E.M. Enterprises, Modular Division; not to exceed \$31,343) (Robbins Open Space Park)

**8.24 AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-68 APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA FOR A SITE LOCATED AT FLAMINGO ELEMENTARY SCHOOL; AND PROVIDING AN EFFECTIVE DATE.

**8.25 AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-69 APPROVING THAT CERTAIN INTERLOCAL AGREEMENT FOR THE CREATION AND CONTINUATION OF THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION (BCMPO); PROVIDING FOR THE APPROVAL AND EXECUTION OF THE INTERLOCAL AGREEMENT; PROVIDING FOR VARIOUS AMENDMENTS TO THE INTERLOCAL AGREEMENT INCLUDING BUT NOT LIMITED TO AMENDING THE COMPOSITION AND MEMBERSHIP OF THE GOVERNING BOARD INCLUDING CHANGING THE STATUS OF THE TOWN OF DAVIE FROM AN ALTERNATE REPRESENTATIVE TO A VOTING REPRESENTATIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

**8.26 SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE DC CENTER PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 10-6-98, DC Center Plat, 2550 Flamingo Road) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

**8.27 GRANT BUDGET AMENDMENTS** - A RESOLUTION OF THE TOWN OF R-99-70 DAVIE, FLORIDA, AMENDING RESOLUTION R-97-250 BY AUTHORIZING THE AMENDMENTS HEREIN DESCRIBED TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET FOR FY 1997/98, AS CONTAINED IN THE TOWN OF DAVIE CONSOLIDATED PLAN FOR FEDERAL FUNDS 1997-2002. (\$210,400)

**8.28 TRAVEL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-71 AUTHORIZING EXTENDED TRAVEL FOR DETECTIVE ROBERT ANTON OF THE DAVIE POLICE DEPARTMENT TO ATTEND INSTRUCTOR TECHNIQUES TRAINING. (Instructor Techniques Training; \$175)

**8.29 EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-72 AUTHORIZING THE EXPENDITURE FOR DAVIE POLICE SPECIAL INVESTIGATIVE FUNDS FROM THE LAW ENFORCEMENT TRUST FUND. (\$4,000)

Mayor Venis indicated that Mr. Webber needed item 8.16 removed from the Consent Agenda. Councilmember Paul asked that items 8.26 and 8.27 be removed. Vice-Mayor Cox asked that item 8.1 be removed. Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve the Consent Agenda without items 8.1, 8.16, 8.26 and 8.27. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.1 Vice-Mayor Cox asked that this item be tabled to allow her the chance to review the numerous amendments. Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to table to the next meeting [March 3, 1999]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.16 Mr. Webber advised that Ms. Easterling and Mr. Rawls had expressed concerns with the Town being able to track these matters. Mr. Webber explained that the resolution would be amended to provide that there would be no substantial changes without coming back before Council. Mayor Venis suggested that there be a materiality factor added and a minor change could be handled at the staff level. Vice-Mayor Cox stated that she would like to see changes. She indicated that individuals thought that as long as a site plan met Code, it was "okay" so why should Council waste its time if there was nothing with "teeth" to enforce what the developers were asked to do. Councilmember Weiner supported this effort and wanted staff to advise Council of any community where a developer did not comply with the site plan that was approved by Council. Councilmember Paul agreed with the resolution.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table to March 3, 1999. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.26 Councilmember Paul questioned the access from the Flamingo Road service road and asked if the Planning and Zoning Board's approval subject to conditions had been met. Ms. Easterling explained the access and indicated that the copies before Council had not been signed by the drainage district which was required prior to being submitted to Broward County. Councilmember Weiner indicated that he would like this item tabled until staff could review "all the procedures" to make sure that everything had been provided prior to Council approving the plat.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table to March 3, 1999. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.27 Councilmember Paul requested a clarification of the grant and budget amendment.

Ms. Taylor-Prakelt outlined the changes and reviewed the projects that the Town was involved in.

Councilmember Paul made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul -



yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **9. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

### ***Ordinances - Second and Final Reading***

**9.1 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 99-7 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-1-98, 1775 Flamingo Road) (tabled from January 6, 1999)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**9.2 UTILITY EASEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, 99-8 FLORIDA, ACCEPTING A UTILITY EASEMENT FROM THE TOWN OF DAVIE, AND PROVIDING AN EFFECTIVE DATE. (VA 4-2-97, undeveloped western portion of extension of Westpark Boulevard)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**9.3 VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 99-9 VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR WESTPARK BOULEVARD ADJACENT TO THE WESTPARK - WEST PARCEL PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 4-2-97, 13900 block of Westpark Boulevard)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**9.4 ROAD TRANSFER AGREEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXECUTION AND IMPLEMENTATION OF A ROAD TRANSFER AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF DAVIE CONCERNING REESE ROAD; PROVIDING FOR CONVEYANCE BY THE DEPARTMENT OF TRANSPORTATION AND ACCEPTANCE BY THE TOWN OF DAVIE OF CERTAIN LANDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. This item was tabled earlier in the meeting.

### ***Resolution***

**9.5 CABLE FRANCHISE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING, AND AUTHORIZING THE MAYOR TO EXECUTE, A FRANCHISE AGREEMENT TO PROVIDE CABLE SERVICES BETWEEN THE TOWN OF DAVIE, FLORIDA AND COMCAST CABLEVISION

OF BROWARD COUNTY, INC.; AND PROVIDING AN EFFECTIVE DATE. (tabled from January 20, 1999)

This item was tabled earlier in the meeting.

*Public Hearing Item*

**9.6 LAND USE PLAN AMENDMENT** - LABC 99-3A, Caesar/list of property owners on file in Town Clerk's Office, generally located in between Griffin and Stirling Roads, and University Drive and Pine Island Road, straddling SW 82 Avenue (from Residential (3 du/ac), Residential (5 du/ac) and Community Facility to Residential (10 du/ac)) (tabled from February 3, 1999) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval subject to the amended application as indicated in the applicant's letter of February 10, 1999 and subject to the amendment to reduce the number of three-bedroom garden apartments from 28 to 14, and increase the number of two-bedroom garden apartments from 224 to 238* Ms. Easterling asked that this item be deferred to later in the meeting as Planner Jeff Katims was not present. There were no objections from Council.

*Quasi Judicial Matters*

**9.7 VARIANCE** - V 12-2-98, Floyd L. Wray Memorial Foundation d/b/a Flamingo Gardens, 3750 Flamingo Road (CF) (to reduce the setback of the sign from the property line from 16 feet to 9 feet; to increase the maximum sign area from 120 square feet to 172 square feet; to increase the allowable height of the sign from 15 feet to 16 feet) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Easterling advised that because of her experience, education and certification, she was qualified as a witness on behalf of the Town. She read the planning report.

Neal Kalis, representing the petitioner, displayed the proposed signed and explained the variance.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Vice-Mayor Cox discussed the hardships that were not self-created and the sign which provided a public service. She indicated that she did not have a problem with any of the variance requests.

Councilmember Paul questioned if the changes would affect the light poles. Mr. Kalis responded that the changes would enhance the visibility of the sign and help overcome the visual block of the poles. Councilmember Paul questioned if the Town was creating a precedent by allowing a larger sign. Mr. Webber indicated that there was always the risk of a precedent being set; however, each request had to be reviewed individually.

Councilmember Weiner questioned if the signage would obstruct the view of on-coming traffic with Ms. Easterling responding in the negative.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Weiner - yes. (Motion carried 5-0)

**9.8 VARIANCE** - V 12-3-98, St. David Catholic Church, 3900 South University Drive (CF) (to reduce the required front yard from 50 feet to 15 feet; to increase the percentage of grassed parking from 20 percent to 75 percent) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval of the amended application to include planning report recommendations* Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone was opposed to the petition with no one responding. Ms. Easterling summarized the planning report.

An unidentified man (Sam Engel), representing the petitioner, was present.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve subject to the Planning and Zoning Board recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried

5-0)

**9.9 VARIANCE - V 12-4-98, Schillen, 3220 SW 117 Avenue (R-1)** (to increase the allowable fence height from 6 feet to 10 feet) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone was opposed to the petition with no one responding. Ms. Easterling summarized the planning report.

Nicholas Schillen, the petitioner, advised that he had discussed the issues with his neighbors and no one had a problem. He presented a petition as evidence which Mr. Webber accepted.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

*Items to be tabled or previously withdrawn*

**9.10 STAFF REQUESTING A TABLING TO APRIL 7, 1999**

**VACATION/ABANDONMENT - VA 7-1-98, Pasadena at Imagination Farms, Inc., 13601 Orange Drive** (to vacate a 50 foot road right-of-way along Orange Drive adjacent to the subdivision platted as "Imagination Farms East") (tabled from January 20, 1999) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report and the petitioner's voluntary agreement to allow a 10 foot wide bridle path adjacent to the pole line*

This item was tabled earlier in the meeting.

**9.11 WITHDRAWN AT THE NOVEMBER 4, 1998 COUNCIL MEETING**

**LAND USE PLAN AMENDMENT - LA BC 98-3A, Town of Davie**

This item was withdrawn at the November 4, 1998 Council meeting.

9.6 Jeff Katims, Planner, advised that the applicant had made substantial amendments to the application since the staff report had been issued. Councilmember Paul requested that this item be tabled to allow Council to review the amendments. Mr. Katims indicated that the amendments would reduce density and manage the bedroom mix for purposes of student generation. He added that with the amendments, staff would withdrawn their objection.

Mayor Venis questioned if the applicant would have a problem with tabling the item. An unidentified man (Neal Kalis) advised that there would not be a problem with tabling the item if this would not cause a problem with the transmittal deadline to Broward County. Mr. Katims indicated that the transmittal had to be accomplished by March 15th which would require this item to be acted upon no later than March 3rd.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table the item until March 3, 1999. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **10. SITE PLANS**

**10.1 SP 12-2-98, St. David Catholic Church, 3900 South University Drive (CF)** *Planning and Zoning Division recommended approved subject to the planning report; Site Plan Committee recommended approval subject to the conditions as outlined in the planning report items one through nine*

Sam Engel and Father Gabriel O'Reilly, representing the petitioner, were present. Ms. Easterling read the planning report.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve subject to the Planning and Zoning Division's recommendation. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**10.2 SP 11-1-98, Davie Battery & Alternator, corner of SW 63 Avenue and SW 37 Street (B-2)** *Planning and Zoning Division recommended approved subject to the planning report; Site Plan Committee recommended*

*approval subject to the planning report with the additional recommendation that three Silver Buttonwood trees be placed in the swale area between the larger canopy trees on the east side of the building*

Ken Kovacs, representing the petitioner, was present. Ms. Easterling read the planning report.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve subject to the Site Plan Committee's recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-1)

## **11. APPOINTMENTS**

11.1 Davie Water Advisory Board (Mayor Venis - two exclusive appointments; insofar as possible, one member of the Board shall be a licensed engineer; term of January to December 1999)

Mayor Venis deferred his appointments to March 3, 1999.

11.2 Florida League of Cities Trustee Nominations

Councilmember Weiner nominated Councilmember Bush with Vice-Mayor Cox seconding the nomination. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **12. OLD BUSINESS**

12.1 Youth Advisory Board - Vice-Mayor Cox

Vice-Mayor Cox indicated this issue had been discussed at previous Council meetings, however, the number of board members had grown quite large. She asked for recommendations from Council. Councilmember Paul stated that besides the students who lived and attended school in Davie, there were a number of students who lived in Davie but went to schools outside the Town. She suggested that there be an application process which would include an essay on why the student wanted to be on an advisory board. Councilmember Paul added that a screening committee could review the applications. Vice-Mayor Cox suggested that a resume also be required along with an essay and requested Councilmember Paul's help in coordinating this effort with the schools. Vice-Mayor Cox stated that she thought this board should be a standing committee as it was an important issue and thought it may be able to be tied to the teen court.

## **13. NEW BUSINESS**

13.1 Rescheduling March 17, 1999 Town Council Meeting to March 16, 1999 (due to Broward Days in Tallahassee) - Councilmember Paul

Councilmember Paul advised that Council would be meeting on the same day that Broward Days were to be held. Councilmember Paul made a motion, seconded by Councilmember Bush, to change the meeting date to March 16, 1999. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Weiner made a motion, seconded by Councilmember Bush, to reconsider the tabling of item 8.8. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to table item 8.8 to March 16th. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **14. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 9:34 p.m.



